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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,847	12/21/2000	James Vincent Ciroli JR.	100 BT	8119

23774 7590 11/03/2004

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EXAMINER


KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,847	Applicant(s) CIROLI ET AL	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 02 July 2004.

Status of Claims

2. Claims 1-27 have been left as originally filed. Therefore claims 1-27 are under prosecution in this application.

Summary of the Office Action

3. Applicant's arguments filed 02 July 2004 have been fully considered but they are not persuasive and are discussed below. Therefore, claims 1-27 stand rejected as stated in the previous office action, mailed 31 December 2003 and Applicant's request for allowance is respectfully denied.

Response to Arguments

4. Claims 1-18, 21, and 23-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ye, U.S. Patent 6,374,227.

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Regarding independent claim 1, 24 and 27, Applicant asserts that the prior art of Ye fails to teach the ability to offer actual loads and the utilization of the communication network for shippers to offer loads. The Examiner respectfully disagrees, Ye clearly discloses the ability to offer actual load and utilizes a communication network for shippers to offer load. Ye discloses that shipper definition of lane and land bundles including capacity and other demands and offering these lanes by inviting a shipper to submit a bid for them over a communication network (column 3, lines 32-52 and column 4, lines 22-48). Furthermore, the system taught by Ye consists of a communication between shipper and carrier as well as optimization features (column 4, lines 22-25). Therefore the Examiner believes that Ye teaches the limitation of the ability to offer actual loads and the utilization of the communication network for shippers to offer loads and independent claims 1, 24 and 27 stand rejected as stated in the previous office action mailed 31 December 2003.

5. Claims 19 and 20 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ye U.S. Patent 6,374,227.

Regarding claims 19 and 20, the Applicant has asked the Examiner to provide evidence to support the official notice taken. Wright et al., U.S. Patent 6,581,040, teaches a project specific communication system and method in which viewers are restricted based on certain criteria or qualifications (column 11, lines 25-67). It would be obvious to one of ordinary skill in the art that the teachings of Ye could have been modified to include the restricting teachings of

Wright because it allows for a concentration of specific bidders and thus would provide a better match of carriers for the shipper.

Regarding claim 22, the Applicant has asked the Examiner to provide evidence to support the official notice taken. Chou et al., U.S. Patent 6,035,289 teaches a method and apparatus for electronic trading of carrier cargo capacity in which third party entities including logistics companies and freight brokers (column 2, lines 27-33). It would be obvious to one of ordinary skill in the art that the teachings of Ye could have been modified to include the third party teachings of Chou because it allows for an efficient manner of communicating all pertinent data to necessary parties to perform match shippers and carriers.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
21 October 2004

Alan H. Borline
PRIMARY
A.U. 3624